

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

UNITED STATES OF AMERICA

VS.

MICHAEL T. GRUBERT

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CRIMINAL ACTION NO. V-08-7

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING  
TRIAL**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case: there is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. The findings and conclusions contained in the Pretrial Services Report are adopted, supplemented by the testimony of ICE Agent Vela. The defendant is life long resident of Yoakum area and there are conditions which will address risk of flight, but not danger to the community. There is evidence that the defendant molested one of his daughters for a period of several years. Also the defendant was involved in chat room where he admitted to touching at least one female child inappropriately and discussed his desire to molest children. These facts combined with the defendant's aggressiveness due to his PTSD require detention.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 25th day of February, 2008.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE